

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 19, 2006

DIVISION ONE

B174280 Frias
 v.
 Ralphs Grocery Company

Filed order vacating submission order of December 20, 2005. Additional briefing requested by the Court, cause shall be resubmitted after Ralphs Grocery Company's reply brief is filed.

B178992 County of Los Angeles
 v.
 Harco National Insurance Company

Filed order certifying opinion for publication.

DIVISION TWO

B170079 Fuller-Austin Insulation Company (Certified for Partial Publication)
v.
Highlands Insurance Company, et al.

The judgment is reversed to the extent it imposes liability on appellants, to the extent it requires appellants to pay an aggregate sum for present and potential future asbestos claims against Fuller-Austin, and to the extent that any indemnification was calculated on the basis of the ALV amount of any claim. More specifically, the Phase IB statement of decision, incorporated as part of the judgment, is reversed as to the trial court's rulings on the trigger of coverage on the Cities Service policies (Issue No. 9) and the excess policy triggers (Issue No. 3), the latter of which encompasses rulings concerning the bankruptcy adjudication as a judgment, the obligation to pay the ALV amount of the claims and the obligation to pay an aggregate sum for present and potential future claims. The special verdict, also incorporated as part of the judgment, is reversed as to questions 2, 3 and 4 (as to the Cities Service coverage only), 5, 6, 9 through 17, 19 and 20. The judgment's damages calculations premised on those special verdict questions are also reversed. In all other respects, the judgment is affirmed. The matter is remanded for retrial in accordance with the views expressed herein. Appellants to recover their costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B184971 Children and Family Services v. Renea D.
B183533 Children and Family Services v. Zenaida G., et al.
B183747 Children and Family Services v. Ronnie B.

DIVISION THREE (Continued)

Each of the following (continued):

B181599 People v. Rhymes

B179035 People v. Polk

Argument waived, cause submitted.

B180847 People
 v.
 Turner

Merits:

Argued by Steven G. Levine for appellant and by David E. Madeo, Deputy Attorney General for respondent. Cause submitted.

B182030 People
 v.
 Ramos

Merits:

Argued by Dennis Fischer for appellant and by Ana R. Duarte, Deputy Attorney General for respondent. Cause submitted.

B180380 Buckberg, M.D.
 v.
 Coalition of University Employees Local 4

Merits:

Argued by Beth Ross for appellant and by Ann Penners Bergen for respondent. Cause submitted.

DIVISION THREE (Continued)

B182573 California School Employees Association and Its Whittier Chapter 42
 v.
 Members of the Governing Board Whittier Union High

Merits:

Argued by Christina Bleuler for appellant and by Eric Batten for respondent. Cause submitted.

B178411 Barak, et al.
 v.
 Simpson

Merits:

Argued by Robert Baker for appellants and by W. Ruel Walker for respondent. Cause submitted.

Court recessed at 11:34 a.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B178102 People v. Jerry P.

Argument waived, cause submitted.

B182337 Los Angeles County, D.C.S.
 v.
 Norma H., et al.

Merits:

Argued by Judy Weissberg-Ortiz and Leslie Barry for appellants and by Judith A. Luby, Deputy County Counsel for respondent. Cause submitted.

DIVISION THREE (Continued)

B176724 Najm
 v.
 County of Los Angeles

Merits:
Argued by Shams Q. Najm, appellant in propria persona and by Fred Plevin for respondent. Cause submitted.

B176262 Yarmie
 v.
 Martin

Merits:
Argued by Alan D. Negron for appellant and by Lloyd P. Fletcher for respondent. Cause submitted.

B186140 Mid-Century Insurance Company
 v.
 S.C.L.A.
 Timougeen Bandek

Merits:
Argued by Jeffrey J. Leist for petitioner and by Jeffrey Diamond for real party in interest. Cause submitted.

B178694 Pacific Shore Funding
 v.
 Lozo, et al.

Merits:
Argued by Stephen Harris for appellants and by Hal Mark Mersel for respondent. Cause submitted.

DIVISION THREE (Continued)

B171186 Rowland, et al.
 v.
 Madison Park Apartments

Merits:
Argued by Elizabeth Pollock for appellants and by Peter Ross for
respondent. Cause submitted.

Court adjourned.

DIVISION FOUR

B183483 Park, Dae Hyun (Not for Publication)
 v.
 Park, Hee Kyoo

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, Acting P.J.

We concur: Curry, J.
 Willhite, J.

DIVISION FIVE

B179849 Horse Rescue of America, et al (Not for Publication)
B181167 v.
 D&D Services et al

The judgment is affirmed. Costs are awarded to defendants D&D Services,
Inc., William Gorman, and David Brownstein on appeal. Respondents'
request for sanctions on appeal is denied.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (Continued)

B180971 Los Angeles County, D.C.S. (Not for Publication)
v.
Michael H.
In re Nyoka H.

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B184197 Los Angeles County, D.C.S. (Not for Publication)
v.
Mabel V.

The parental termination right order is reversed and the matter is remanded for the sole purpose of complying with the notice provisions of the Indian Child Welfare Act. If after proper notice is given, the child is determined not to be a Native American, the juvenile court is directed to reinstate the parental rights termination order. If the child is determined to be a Native American, the trial court is directed to hold proceedings consistent with the Indian Child Welfare Act.

Turner, P.J.

I concur:	Kriegler, J.
I concur and dissent:	Mosk, J. (Opinion)

B181538 People (Not for Publication)
v.
John Pokras

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B181974 People (Not for Publication)
v.
Ralph Rodriguez

The trial court's determination that defendant's 1974 Texas burglary conviction qualified as a prior strike conviction within the meaning of section 667, subdivisions (b) through (i) and section 1170.12, subdivisions (a) through (d) and as a prior serious felony conviction within the meaning of section 667, subdivision (a) is reversed. The matter is remanded to the trial court for a retrial on the 1974 Texas burglary conviction prior, should the prosecution choose to proceed with a retrial. Defendant shall be resentenced in accordance with California law after resolution of the truth of the allegations stemming from the alleged 1974 Texas burglary prior conviction. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B178759 10000 Millenium Plaza, LLC (Not for Publication)
v.
Brentwood Escrow, Inc., et al

The judgment is affirmed. Brentwood to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (Continued)

B169805 Robert Gentry (Certified for Publication)

v.

S.C.L.A.

Circuit City Stores, Inc.,

Petition for writ of mandate is denied. Costs of this proceeding are awarded to Circuit City.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

B176874 Bernard Endres et al (Certified for Publication)

v.

Karen Moran, et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B176270 People (Not for Publication)

v.

Kavon Clark

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION EIGHT

B178562 Anthony Banks (Not for Publication)

v.

Los Angeles Police Department

The appeal is dismissed.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

B181302 Ruth Herman (Not for Publication)

v.

Kurt Toppel et al.,

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

B174253 James Aaron Pflaster (Not for Publication)

v.

Regents of the University of California

The judgment is affirmed.

Cooper, P.J.

We concur: Flier, J.
 Klein, J. (Assigned)